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PATENT APPLICATION
10/720,779

8

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 23, 2007. At the time of the Office Action, Claims 1-30 were pending in this Application. Claims 1-30 were rejected.

Rejections under 35 U.S.C. § 112

Claims 11-12 and 26-27 were rejected by the Examiner under 35 U.S.C. §112, for reciting the limitation "the dynamic simulated entity" in Claim 1 without antecedent basis for this limitation in the claim. Applicants amend Claims 11-12 and 26-27 to overcome these rejections.

Rejections under 35 U.S.C. § 102

Claims 1, 3-5, 7-10, 16, 18-20, and 22-25 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication 2004/0064320A1 filed by Georgios Chrysanthakopoulos et al. ("Chrysanthakopoulos").

Claims 1 and 16 have been amended to reflect additional novel aspects of the invention. A basic aspect of the invention recited by the amendments is that the simulation is of a radio transmission. Also, because a realistic radio simulation is desired, the amendments further recite that one of the impairment effects is transmission noise.

Chrysanthakopoulos does not teach or suggest simulation of a radio transmission. The audio data that is the subject of Chrysanthakopoulos is sound communications, presumably through air. There is no mention in Chrysanthakopoulos of any type of radio transmission. In fact, the processing of Chrysanthakopoulos is not a "simulation" in the sense that there is no reference to a real world event (such as a radio transmission) that is being simulated.

Because the amendments recite noise as an impairment effect, the Examiner's rejections of Claims 7 and 8 are also addressed. Specifically, the Examiner relies on page 5[0047-8] of Chrysanthakopoulos for certain audio effects.

AUS01:477849.1

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PATENT APPLICATION
10/720,779

9

Chrysanthakopoulos does not teach or suggest adding audio effects that accompany and impair radio transmissions. Paragraphs [0047-8] are specifically directed to voice data, and to adding voice-type effects. These effects are different from the effects that occur because of transmission over a radio frequency.

The goal of Chrysanthakopoulos is to enhance the enjoyment of playing computer games by enhancing audio communications. Chrysanthakopoulos teaches away from processing an audio communications signal to make it worse (instead of better) so that it more realistically simulates a radio transmission.

Rejections under 35 U.S.C. §103

Claims 11 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chrysanthakopoulos and further in view of U.S. Patent 5,636,283 issued to Philip N.C. Hall et al. ("Hall"). Claims 15 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chrysanthakopoulos and further in view of U.S. Patent 6,871,176 issued to Hung-Bun Choi ("Choi"). Claims 12 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chrysanthakopoulos and further in view of U.S. Patent Publication 2003/0120492A1 filed by Ju Wan Kim ("Kim"). Claims 13 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chrysanthakopoulos and further in view of U.S. Patent 6,078,669 issued to Robert Crawford Maher ("Maher"). Claims 2, 6, 14, 17, 21 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chrysanthakopoulos and further in view of Official Notice.

As discussed above, Claims 1 and 16 (the independent claims) have been amended to reflect additional novel aspects of the invention and are allowable. The remaining claims are dependent and are also allowable.

AUS01:477849.1

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PATENT APPLICATION
10/720,779

10

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all pending claims as amended.

Applicants authorize the Commissioner to charge \$230.00 for the enclosed Petition for Two Month Extension of Time to Deposit Account No. 50-2148 of Baker Botts L.L.P. Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2634.

Respectfully submitted,
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Date: January 23, 2008

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